

TOWN OF ERVING
SELECT BOARD / WATER COMMISSIONERS
 To be held at the Senior & Community Center,
 1 CARE DRIVE, ERVING, MASSACHUSETTS 01344

Jacob A. Smith, Chair
 William A. Bembury
 Scott Bastarache
Select Board

Bryan Smith
Town Administrator

Meeting Agenda
Monday, March 27, 2023

This meeting is open to the public.

Scheduled Business

<i>Time</i>	<i>Agenda Item</i>
6:00 PM	Call to Order
6:00 PM	Executive Session: pursuant to Massachusetts General Law Chapter 30A, Section 21 (a) (2)
7:00 PM	Joint Meeting with Finance Committee & Capital Planning Committee- FY2024 Budget, Church Street Bridge Project, Review of ATM Warrant

Old Business

<i>Agenda Item</i>	<i>Section</i>
Review of FY2024 Budget Requests & Projected Revenue	1
Review of Surplus Equipment Request- Police Dept- 3 rd Read	2
Review of Multi-year Residential Curbside Collection Contract Negotiations	3

New Business

<i>Agenda Item</i>	<i>Section</i>
Review of Meeting Minutes- February 17, 2023, March 6, 2023 & March 13, 2023	4
Review of Bylaw Requests for Annual Town Meeting	5
Review of Annual Town Meeting Warrant Draft	6
Review of Water Lead Service Line Inventory and Replacement Planning Grant Application	7
Review Professional Services Engineering Agreement- Water Tank Mixer Project	8
Discussion Regarding Church Street Bridge Project & Next Steps	9
Discussion Regarding Accepting Massachusetts Historical Commission Grant for Inventory Project	10
Discussion Regarding Lillians Way Streetlighting Project	11

Other Business

Signing of the Treasury Warrant

Executive Session: pursuant to Massachusetts General Law Chapter 30A, Section 21 (a) (2) to conduct strategy sessions in preparation for negotiations with nonunion personnel and to conduct contract negotiations with nonunion personnel regarding the Chief of Police.

Unanticipated Business

Anticipated Next Meeting Dates

April 03, 2023- 6:30PM
 Senior & Community Center

April 10, 2023- 6:30PM
 Senior & Community Center

Note: These agenda items and estimated times are those reasonably anticipated by the Chair. Not all items listed may in fact be discussed and other items not listed may be brought up for discussion. Estimated agenda times may need to be changed on the night of the meeting for the sake of expediency. Section numbers correspond to agenda packets and are not an indication of the order of the agenda

Town of Erving

Select Board Public Meeting Participation Guidance

The Select Board welcomes residents to communicate questions, comments or concerns. Participants at Select Board meetings are notified that the meetings are both video and audio recorded, and comments provided will become part of the record. While offering public input, it is important that the Select Board is also allowed enough time to conduct their other business. The following guidelines have been established to make the best use of time at Select Board meetings.

1. To request time on the Select Board agenda, persons must contact the Town Administrator at (413) 422-2800, Ext.1102 or at SBRequests@erving-ma.gov by noon on the Tuesday before the meeting.
 - a. Requests will be submitted to the Chairperson for consideration and scheduling.
 - b. Supporting documentation related to the request must be provided to the Administrator's office by noon on the Thursday prior to the meeting. The Chairperson may remove requested agenda topics that are made without supporting documentation.
2. The Select Board encourages public participation as follows:
 - a. Town residents can bring comments before the Select Board that require discussion and are on the agenda, only after being recognized by the Chair. If your issue is not on the agenda, you may bring it up under "Future agenda items".
 - b. "Topics not anticipated" should be brought to the Chair for possible consideration prior to the meeting.
 - c. Please try to keep your comments short and to the point.
 - d. If it appears that the topic(s) being discussed will consume longer than the time allocated then, at the discretion of the Chair, the matter will be placed on an upcoming Select Board meeting agenda.
 - e. If you believe that your topic will require more time or desire to make a more formal presentation than is allowed under these guidelines, please contact the Town Administrator to ask to be put on a future agenda so that we can properly allocate enough time.
 - f. You are free to ask questions or to make your point for all to consider. However, engaging in active debate with Select Board or audience members will not be allowed.
 - g. All comments and questions must be directed to the Chair of the Select Board per MGL Chapter 30A, Section 20(g).
 - h. Participants are expected to speak from the presenter/guest table.
3. Employees and Board members who have business with the Select Board should be placed on the agenda beforehand (see Item # 1.).
4. Anyone wishing to contact the Select Board in writing may do so at:

Town of Erving, Attn: Select Board, 12 East Main Street, Erving, Massachusetts 01344

Alternatively, members of the public can complete a Select Board submission form at the meeting sign in table and office staff member will follow up.

The Select Board appreciates your cooperation in honoring these guidelines.

From Massachusetts Attorney General Official Website

What public participation in meetings must be allowed?

Under the Open Meeting Law, the public is permitted to attend meetings of public bodies but is excluded from an executive session that is called for a valid purpose listed in the law. Any member of the public also has a right to make an audio or video recording of an open session of a public meeting. A member of the public who wishes to record a meeting must first notify the Chair and must comply with reasonable requirements regarding audio or video equipment established by the chair so as not to interfere with the meeting. The Chair is required to inform other attendees of such recording at the beginning of the meeting.

While the public is permitted to attend an open meeting, an individual may not address the public body without permission of the Chair. An individual is not permitted to disrupt a meeting of a public body, and at the request of the Chair, all members of the public shall be silent. If after clear warning, a person continues to be disruptive, the Chair may order the person to leave the meeting, and if the person does not leave, the Chair may authorize a constable or other officer to remove the person.

DRAFT FY 2024 Town Of Erving Budget Summary
Raise & Appropriate/ General Fund Free Cash

DRAFT

3/24/2023

Revenue	Fiscal Year 2023 Actual				Fiscal Year 2024 Estimated				
	Revenue		Expense		Revenue		Expense		
	R/A	Free Cash	R/A	Free Cash	R/A	Free Cash	R/A	Free Cash	
Previous Fiscal Year Levy Limit	\$	11,707,406			\$	12,077,356			
2.5% Allowed by Law	\$	292,685			\$	301,934			
Amendment from Previous Fiscal Year New Growth	\$	-			\$	-			
New Growth Estimate**	\$	77,265			\$	-			
Estimated Funds Available to Raise & Appropriate	\$	12,077,356			\$	12,379,290			
Assessors Overlay	\$	(325,663)			\$	(100,000)			
State Charges	\$	(340,751)			\$	(235,839)			
State Receipts-net of offsets	\$	682,480			\$	731,436			
Local Estimated Receipts Projected	\$	342,864			\$	340,000			
General Fund Free Cash (as of 2-20-2023)			\$	896,335			\$	1,323,266	
Total Revenue	\$	12,436,286	\$	896,335	\$	13,114,887	\$	1,323,266	
Expenses									
General Government	\$		1,233,688		\$		1,338,359		
Public Safety	\$		1,052,050		\$		1,095,893		
Education****	\$		5,339,466		\$		5,627,163		
Public Works & Facilities	\$		690,938		\$		750,487		
Health & Human Services*****	\$		259,872		\$		297,690		
Culture & Recreation	\$		343,619		\$		383,218		
Benefits	\$		1,836,400		\$		1,859,400		
Wastewater Annual Appropriations	\$		743,807		\$		817,234		
Capital Improvements	\$		510,200	\$	126,800	\$	400,000	\$	491,000
Library Construction Repayment to Stabilization Fund *				\$	273,000		\$	273,000	
Capital Stabilization Fund Deposit				\$	150,000		\$	150,000	
Other Special Articles (OPEB, records, revaluation, road work, loader, buildings)	\$		417,500		\$		252,500		
Total Expenses			\$ 12,427,540	\$ 549,800			\$ 13,244,944	\$ 491,000	
March STM- 3-6-2023- Approved from Free Cash				\$	41,983			\$	311,715
Sept STM 9-14-22- From Raise and Appropriate				\$	7,173				
Hold Free Cash incase School Needs additional appropriation for Out of District								\$	-
Balance of Raise & Appropriate	\$				1,573	\$			(130,057)
Balance of Free Cash				\$	304,552	\$			520,551

Notes:

Note:

*June 2019 STM Committed to an annual repayment of \$273,000 for the project- this will be the 4th payment

** We are currently planning assuming no New Growth

*** on 2/23/23 the Governor released proposed State revenue & charges. Senate & House Review to begin.

**** Education budget assumes level request for Secondary Education, includes \$180,000 in out of district transport, the Elementary Education request revised by the School Committee on

***** Health Services budget was amended at the March 6, 2023 STM for the internalization of the public health service.

Note: Summary does not include Wastewater fees from Montague (\$236,231), Does not include Water Receipts,

Does not include Community Access TV funds

Surplus Property Disposition Request

Department/Board/Committee <u>POLICE</u>	Request Date: <u>2/16/23</u>
Item(s) to be disposed of: <u>Printer</u>	
Estimated Value of Item: <u>UNKNOWN</u> 0000	
Description of Item: See attached fixed asset sheet with item descriptions; including make, model, and serial #	
Reason for Request: <u>HP DESKTOP PRINTER, make Hewlett Packard</u> Product NO. <u>Q5987A</u> serial NO. <u>CNTB370780</u>	
Recommended Disposition: <u>SCRAP OR DONATION</u>	

Department Head Signature Date 2/16/23

Select Board Review

Board Decision:	Approved <input type="checkbox"/> Denied <input type="checkbox"/>
Board Comments:	
Select Board Signatory	Date

Chief Procurement Officer

Method of Disposition:	<u>Under \$10,000</u>	<u>\$10,000 or More</u>
	<input type="checkbox"/> Advertise Newspaper <input type="checkbox"/> Advertise on Website <input type="checkbox"/> Seek Bids <input type="checkbox"/> Scrap Value	<input type="checkbox"/> Sealed Bids <input type="checkbox"/> Public Auction <input type="checkbox"/> Advertise on Website <input type="checkbox"/> Governmental/ Charitable Entity
Date(s) advertised:	_____	Other info: _____
Sold to:	_____	\$ Sold for: _____
Date disposed of:	_____	Receipt attached: _____
Chief Procurement Officer Signature		Date



HP Color LaserJet 3600n



Surplus Property Disposition Request

Department/Board/Committee <u>POLICE</u>	Request Date: <u>2/16/23</u>
Item(s) to be disposed of: <u>VISON COMPUTER MONITOR</u>	
Estimated Value of Item: <u>5 DOLLAR - SCRAP VALUE</u> <u>0 DOLLARS</u>	
Description of Item: See attached fixed asset sheet with item descriptions; including make, model, and serial #	
Reason for Request: <u>JUNK VISON COMPUTER MONITOR</u> <u>MODEL: E ZXISF, Serial no. AAX4302BD1723</u>	
Recommended Disposition: <u>NO RECOMMENDATION</u>	

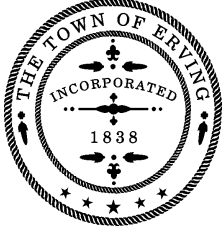
Department Head Signature [Signature] Date 2/16/23

Select Board Review

Board Decision:	Approved <input type="checkbox"/> Denied <input type="checkbox"/>
Board Comments:	
Select Board Signatory	Date

Chief Procurement Officer

Method of Disposition:	Under \$10,000	\$10,000 or More
	<input type="checkbox"/> Advertise Newspaper	<input type="checkbox"/> Sealed Bids
	<input type="checkbox"/> Advertise on Website	<input type="checkbox"/> Public Auction
	<input type="checkbox"/> Seek Bids	<input type="checkbox"/> Advertise on Website
	<input type="checkbox"/> Scrap Value	<input type="checkbox"/> Governmental/ Charitable Entity
Date(s) advertised: _____	Other info: _____	
Sold to: _____	\$ Sold for: _____	
Date disposed of: _____	Receipt attached: _____	
Chief Procurement Officer Signature		Date



TOWN OF ERVING

SELECT BOARD

12 East Main Street
ERVING, MASSACHUSETTS 01344

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Jacob A. Smith, Chair
Scott Bastarache
William A. Bembury
Select Board

Bryan Smith
Town Administrator

March 24, 2023

To: Select Board
From: Bryan Smith, Town Administrator

RE: Multi-year Curbside Collection Agreement for Residential Solid Waste

Selectman Bastarache has worked with representatives of Casella Waste Management to negotiate the terms of a proposed contract renewal for the collection of residential solid waste. The service period is proposed for 3 years, beginning on July 1, 2023, with an option to extend an additional 2 years. The contract terms are the same as those that exist in the current agreement, with the exception of the language in Attachment A. Attachment A is enclosed for your review.

Recommended Vote Language:

A motion to engage Casella Waste Management of Massachusetts, Inc. to render the service of collection and disposal of household solid waste and recyclables, for a term of three (3) years commencing on July 1, 2023 and ending on June 30, 2026, and upon mutual agreement of the parties, the Agreement may extend or renew for one (1) additional two-year term, and to authorize Bryan Smith, Town Administrator, to execute all necessary agreements.

Attachment A: Cost Proposal (Fees)

Services: Curbside weekly collection solid waste to be delivered to Republic Services McNamara Station, 44 Rose Street, Springfield, MA and every other week collection of fiber and containers delivered to the Springfield MRF, Birnie Ave, Springfield, MA:

Fees:

Collection:

Fiscal Year 24 (July 1, 2023- June 30, 2024):	\$122,304
Fiscal Year 25 (July 1, 2024- June 30, 2025):	Fiscal Year 24 Plus Annual Fee Increase*
Fiscal Year 26 (July 1, 2025- June 30, 2026):	Fiscal Year 25 Plus Annual Fee Increase*

Almost Anything Goes Annual Residential Bulky-Waste Collection Program:

Hourly rate-\$226.60/hr
Disposal-\$124.30/ton
\$75 Per Mattress

***Annual Fee Increase:** All Fees will be increased annually on the anniversary of each year of the Term by a percentage equal to the greater of (a) 5.0% or (b) the year-over-year percentage change in the Consumer Price Index for Garbage and Trash Collection. Consumer Price Index increases for Garbage and Trash Collection will be based on the Bureau of Labor Statistics as reported for the most recent month prior to March 1st using the unadjusted percentage change for the most recent month as compared to the same month for the prior year. Reference is made to <https://www.bls.gov/news.release/cpi.t02.htm>

Fuel: Casella may assess a fee (the “Fuel Adjustor”) on a monthly basis to cover increases in Casella’s costs caused by increases in the cost of diesel fuel over a floor price of \$5.25 per gallon (the “Floor Price”) based on the listed average price for diesel fuel for the month of service, as set forth on the EIA Retail On Highway Diesel Prices index for New England PADD 1A (the “Index”) or a successor index. Each month Casella will assess a Fuel Adjustor whenever the average monthly Index fuel price listed for the month of service (the “Service Month Index Price”) exceeds the Floor Price. The Service Month Index Price can be located on the internet at the following web site: <http://www.eia.gov/petroleum/gasdiesel/> and is listed in the spreadsheet link titled “full history”.

Casella may assess a credit (the “Fuel Adjustor”) on a monthly basis to address a decrease in Casella’s costs caused by decreases in the cost of diesel fuel below a ceiling price of \$4.00 per gallon (the “Ceiling Price”) based on the listed average price for diesel fuel for the month of service, as set forth on the EIA Retail On Highway Diesel Prices index for New England PADD 1A (the “Index”) or a successor index. Each month Casella will assess a Fuel Adjustor whenever the average monthly Index fuel price listed for the month of service (the “Service Month Index Price”) drops below the Ceiling Price. The Service Month Index Price can be located on the internet at the following web site: <http://www.eia.gov/petroleum/gasdiesel/> and is listed in the spreadsheet link titled “full history”.

The Fuel Adjustor will be made according to the following formula: (Service Month Index Price-Floor Price/Floor Price)(Fuel Allocation in Pricing) (Monthly Service Fee) = Fuel Adjustor.

The Fuel Adjustor will be made according to the following formula:
(Service Month Index Price-\$5.00/\$5.00) (13.8%) (Monthly Service Fee) = Fuel Adjustor.

Meeting Minutes

Board: Select Board / Water Commissioner's Meeting
Date: Friday, February 17, 2023
Location: Senior & Community Center, 1 Care Drive, Erving, MA 01344

Select Board Present: Jacob Smith, William Bembury, Scott Bastarache

At 8:10 PM **Chairman Smith** called the meeting to order.

Executive Session

At 8:10 PM **Chairman Smith** made a motion to enter Executive Session pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (1) [t]o discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual(s), or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer(s), employee(s), staff member(s) or individual(s). **Chairman Smith** stated that the Select Board would not return to Open Session. **Selectman Bastarache** seconded. **Roll Call Vote:**

Selectman Bembury	Aye
Selectman Bastarache	Aye
Chairman Smith	Aye

The Select Board did not return to Open Session.

Respectfully submitted,

Bryan Smith
Town Administrator

Meeting Minutes

Board: Select Board / Water Commissioner's Meeting
Date: Monday, March 06, 2023
Location: Senior & Community Center, 1 Care Drive, Erving, MA 01344

Select Board Present: Jacob Smith, William Bembury, Scott Bastarache

At 6:32 PM **Chairman Smith** called the meeting to order.

Review of Special Town Meeting Warrant

The Select Board members reviewed the Special Town Meeting warrant for March 6, 2023, in advance of the Special Town Meeting. The members discussed having no concerns with the warrant that needed to be addressed at the Meeting.

Review of Police Dept Policy- 4.32- Criminal Justice Information System Policy -3rd Reading

The Select Board members conducted a third reading of Police Department Policy 4.32- Criminal Justice Information System. The Board members discussed support for proceeding with the approval of the draft policy as presented. **Selectman Bastarache** made a motion to approve the Police Department policy 4.32, Criminal Justice Information Systems Policy, with an effective date of March 6, 2023. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review & Issuance of Financial Software Request for Proposals

The Select Board members reviewed the draft request for proposals (RFP) for financial management software and support. **Selectman Bastarache** discussed the need to revise some references in the documents to attachments. Bryan Smith, Town Administrator, explained that the comparative criteria matrix was left more simplistic because the technical requirements were so extensive. **Chairman Smith** discussed the requirements to integrate to the Town's active directory and the deletion of technical requirement items #150 - 153. **Chairman Smith** asked to clarify item #149 to specify Azure Active Directory, not on premise or hybrid. Bryan will add the active directory references in section 2.2 of the RFP. Bryan reviewed the proposed issuance and deadline dates. The Board members expressed support for the issuance of the RFP as amended. **Selectman Bastarache** made a motion to release the Town of Erving request for proposals (RFP) for financial management software and support, with an issue date of March 08, 2023, as amended this evening. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review Engineering Scope of Work Amendments for Bridge Street & Maple Avenue

The Select Board members reviewed a memorandum from Bryan that includes feedback from the engineer regarding elements of the Complete Streets policy in the Bridge Street and Maple Avenue projects. **Chairman Smith** and **Selectman Bastarache** discussed the concerns that were expressed by the engineer about the topography of the project area and the challenges that would be created by adding sidewalks. Bryan added that Maple Avenue currently drains like a county road and changes that may include curbing would impact stormwater management and may necessitate structures. **Selectman Bastarache** acknowledged that sidewalks and curbing would be problematic and are not necessarily requested or needed in the area and explained that he wants to understand that the other provisions of the Complete Street's policy have been considered. The Select Board members expressed agreement. The Board members will revisit the topic at their next meeting.

Review Engineering Scope of Work Amendment for Sanitary System Evaluation Project

Peter Sanders, Wastewater & Water Superintendent, joined the Select Board to discuss the engineering proposal related to the amended scope for the sanitary system evaluation project. Peter explained that

Meeting Minutes

he had spoken with the engineer and that if the Town wanted to remove task 3 from the amended scope proposal, it would reduce the cost by \$1,200. The Select Board decided to table the conversation and revisit the topic after the recess for the Special Town Meeting.

Recess

At 6:51 PM **Chairman Smith** made a motion to recess the Select Board meeting, for the Special Town Meeting at 7:00 PM, the Select Board will resume the meeting shortly following the Special Town Meeting. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

At 8:07 PM **Chairman Smith** called the meeting back to order.

Review Engineering Scope of Work Amendment for Sanitary System Evaluation Project (continued)

Peter rejoined the Select Board. **Selectman Bastarache** discussed requesting an itemized cost for each task in the proposal and wanting more of an explanation about the scope of work in tasks 1 and 3. **Chairman Smith** expressed agreement, noting that the current descriptions in tasks 1 and 3 are similar. **Selectman Bembury** asked if the engineers are averse to providing the Select Board with sufficient information. Peter explained that he will follow up again and does not believe that the engineers are averse to providing more detail. **Selectman Bastarache** explained that he is requesting detailed costs for each task that follow the format from past presentations. **Chairman Smith** asked Bryan to research the Board's past agreement with Tighe & Bond on Section 6 of the professional services conditions, ownership of documents. The Board members will review at their next meeting.

Review Engineering Scope of Work Amendment for Asset Management Project

The Select Board members discussed the proposal to amend the budget for the asset management project. Bryan reviewed the scope of work regarding the budget and the inspection of manholes in the existing contract. Bryan noted that the contract allocated a budget of \$20,000 and discussed a prioritization of manholes if not all structures could be inspected. Bryan suggested proceeding with the original scope of work. **Selectman Bembury** asked if it would be reasonable to consider a Reserve Fund Transfer request. **Chairman Smith** and **Selectman Bastarache** both expressed concern that the request is not urgent and therefore not meeting a threshold to request a Reserve Fund transfer, even if that is not the statutory requirement. **Chairman Smith** suggested that the Select Board could consider a warrant article for the Annual Town Meeting. **Selectman Bastarache** expressed support for proceeding with the existing scope of work and conducting inspections with the budget of \$20,000. **Chairman Smith** discussed general support as well and the Board members agreed to table the topic for now, and to follow up after the inspections that can be conducted with the available funds, are completed.

Discussion Regarding Revised IP Mill Demolition Proposal

Mariah Kurtz, Town Planner, joined the Select Board to discuss the revised proposal for demolition of the former International Papermill that had been presented at the previous Select Board meeting. Mariah noted that she is meeting with the Town's engineering firm, tomorrow, to get clarity on the proposals. Mariah noted that some of the totals are not clear and that she has requested that the numbers and tables are reviewed again. **Selectman Bembury** discussed his belief that competitive bids will exceed the currently presented estimates. Mariah acknowledged the concern and added that the inaccuracy in the proposal can add to the issue. **Selectman Bastarache** discussed his meeting with Mariah and explained that he shares the concerns about the accuracy from Tighe & Bond. **Selectman Bastarache** noted that the project estimation may be higher than the Town's capacity to fund, but that he wants to make sure that the work product from the engineers should not need to be repetitively checked by the Town Planner.

Meeting Minutes

Mariah asked the Board members if they have further reflections from their review of the revised proposal that they want her to research and consider. **Selectman Bastarache** discussed reflecting on the fact that the Town has \$600,000 in Site Readiness grant funds from MassDevelopment. **Selectman Bastarache** explained that he wants to move forward with demolition but noted that as project compared to other infrastructure priorities in the Town, that it may not be prioritized first. **Selectman Bembury** acknowledged **Selectman Bastarache's** concerns and added that the Select Board has two (2) bridges to replace. **Selectman Bembury** expressed concern about allowing the property to further deteriorate and wanting to make sure that the Town takes action at the site to lessen what may be needed in the future.

Selectman Bastarache asked about the status of identifying the Town's available funding options for demolition. Bryan explained that the Town's financial offices have been working to prepare information for the Board's consideration. **Chairman Smith** expressed agreement with the other Board members and expressed concern about the liabilities the Town is faced with. **Chairman Smith** discussed the other priorities that the voters deserve to have met with their money. Mariah offered to organize a community conversation with voters, providing handouts and a presentation on the different proposals now that estimates are available and a decision needs to be made in the near future. Mariah suggested a meeting date towards the end of March 2023. **Selectman Bastarache** expressed support for scheduling a community conversation with voters to know whether the project should proceed. **Selectman Bembury** asked if there is a deadline for the Town to use the \$600,000 grant. Mariah explained that she maintains a relationship with MassDevelopment and regularly updates the project liaison on the status of the project but expressed concern that if the funding is not committed soon that MassDevelopment could withdraw the funds to fund another priority project in a different community. **Chairman Smith** discussed wanting to have the information regarding the various funding options ready to have the community conversation. **Chairman Smith** discussed concerns about the demolition costs for engineering in the proposed project. The Select Board members expressed agreement and agreed to carry the topic to the next meeting.

Review Animal Control Position Description Draft

The Select Board members reviewed the draft revisions to the Animal Control Officer position description. **Chairman Smith** asked the Board members if there was a preference for hiring for the position on contracting with a vendor for the service. **Selectman Bastarache** asked Bryan how the current contracted service is performing. Bryan explained that when the need arises the service has been provided and added that it is not the same level of availability that the Town had when the service was provided by a staff member. Bryan added that after discussing with Robert Holst, Chief of Police, it is recommended to hire for the position. After reviewing the draft, **Selectman Bembury** requested clarification from Chief Holst regarding the equipment that will be issued for the position that is related to the requirement to possess a firearm identification card. **Selectman Bembury** also requested clarification from Chief Holst on whether the position would be given special police powers. Bryan explained that it is his understanding that the position is a civilian position without police powers, and that he would confirm with Chief Holst. **Chairman Smith** recalled a previous consideration regarding the position having use of a taser. **Chairman Smith** requested that the physical skills requirements are revised. **Chairman Smith** asked if the position would also conduct the functions of the Inspector of Animals. Bryan answered that it was his recommendation that the proposed position is separate from the Inspector of Animals which is a function of the Board of Health and not the Police Department. Bryan will work on the revisions for the Select Board to review at the next meeting.

Senior Housing Committee Appointments

The Select Board members reviewed a memorandum from Bryan explaining the recommendation from the Senior Housing Committee for the appointment of new members to the vacant seats on the

Meeting Minutes

Committee. **Chairman Smith** explained that the Town has three (3) vacancies on the seven (7) member Senior Housing Committee and that the Town has received five (5) letters of interest from community members interested in serving. **Selectman Bembury** explained that the Senior Housing Committee recently met and reviewed the letters of interest and that after their review, the Committee voted to recommend the appointment of Leslie Brown, Jean Galbraith, and George Moonlight Davis to the Senior Housing Committee with a term ending June 30, 2023. **Selectman Bastarache** spoke in support of the recommendation. **Selectman Bembury** made a motion to appoint Leslie Brown, Jean Galbraith, and George Moonlight Davis as members of the Senior Housing Committee, with a term ending June 30, 2023. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Review of Surplus Equipment Request

The Select Board members reviewed the surplus equipment request from the Police Department for the disposal of one (1) HP desktop printer model Q5987A (sn: CNTBB70780), and one (1) computer monitor model EZX15F (sn: AAX4302B01723). Both items are believed to be beyond useful life and are recommended for disposal with no value. The Select Board will conduct a second reading at their next meeting.

Police Department Canine Gift Fund Request

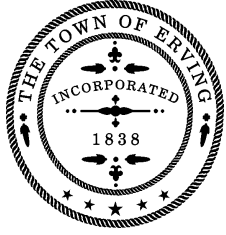
The Select Board reviewed a memorandum requesting the establishment of a Canine Gift Fund for the support of the Canine Officer program at the Police Department. **Chairman Smith** explained that the request would create a Fund that would be specifically reserved for the Program. The Select Board members discussed support for the request. **Selectman Bastarache** made a motion to establish a gift fund for the Police Department Canine Officer Program, for use by the Police Department, to receive donations and gifts to expend on the ongoing care, training, handling and equipment related to the operation of the Canine Officer Program. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Adjournment

At 9:03 PM **Chairman Smith** made a motion to adjourn. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Respectfully submitted,

Bryan Smith
Town Administrator



TOWN OF ERVING

SELECT BOARD

12 East Main Street
ERVING, MASSACHUSETTS 01344

Tel. 413-422-2800
Fax 413-422-2808
Email: administrator@erving-ma.gov

Jacob A. Smith, Chair
Scott Bastarache
William A. Bembury
Select Board

Bryan Smith
Town Administrator

March 09, 2023

To: Select Board
From: Bryan Smith, Town Administrator

RE: Bylaw & Local Adoption Request for Consideration at Annual Town Meeting

The Select Board is being asked to consider the following bylaw requests for inclusion at the Annual Town Meeting.

Previously drafted and reviewed by Select Board:

- **Personnel Bylaw-** The Select Board spent several meetings drafting this bylaw in the recent months
- **Creation of an Opioid Settlement Stabilization Fund-** The Select Board and Finance Committee has previously considered this request and tabled the requested article until a future Town Meeting. The Town has had further correspondence with the Department of Revenue. It appears that this will be a 3-part vote but we have the additional language now.

New requests:

Bylaw Editorial Changes

The Town Clerk, or an agent designated by the Town Clerk, shall be authorized to make non-substantive editorial revisions of the Town general bylaws and zoning bylaws to ensure consistent and appropriate sequencing and numbering, including but not limited to the following actions:

1. Assign appropriate numbers to sections, subsections, paragraphs and subparagraphs
2. Reassign appropriate numbers to sections, subsections, paragraphs and subparagraphs
3. Formatting changes such as spacing, capitalization, font size, underlining or italics
4. Correct internal cross-references
5. Spelling

The assignment of such corrections shall be identified by a footnote or functionally similar editorial convention.

SUBMITTED BY: Town Clerk

MINUTES BYLAW

Section 1. Scope

This Minutes Bylaw shall apply to every Board, Committee or Commission whether elected or appointed and whether permanent, standing or special. Throughout the rest of this bylaw the term Board shall be used with the understanding that it also applies to a Committee or Commission, and also to elected or appointed.

Section 2. Annual Board Organization

Every board shall annually in July select a chair, a clerk or secretary, and such other officers, if any, as the board shall deem necessary. The clerk or secretary may, but need not, be a member of the board.

Section 3. Minutes Content Requirements

Every board shall conduct its meetings in accordance with the Open Meeting Law of the Commonwealth, MGL Chapter 30A, Sections 18 to 25 as amended from time to time. It should be noted that the Open Meeting Law requires the following minimum information to be included in the minutes of any meeting:

- the date, time and place of the meeting;
- the members present or absent;
- a summary of the discussions on each topic;
- the decisions made and actions taken, including a record of all votes;
- a list of all documents and exhibits used at the meeting;
- the name of any member who participated in the meeting remotely;
- if any members participate remotely all votes must be rollcall votes. 940 CMR 29 10(7)(b)

Section 4. Filing Of Minutes

The clerk or secretary shall keep accurate minutes of each meeting of the board, whether a regular, special or emergency meeting and shall cause said minutes to be kept in suitable books which shall be kept by the Board and be open to public inspection under supervision of the Board having custody thereof. Furthermore, the clerk or secretary shall file the minutes with an ink signature of the board clerk or secretary with the Town Clerk within ten (10) days following their approval by the board. The Town Clerk or his designee shall post the minutes on the town's website. Boards are expected to approve all minutes at the next regular meeting, but in any case, minutes are to be approved within 45 days unless regular meetings are more than a month apart in which case the minutes will be approved at the next regular meeting.

Section 5. Executive Session Minutes

Executive session minutes need not be filed with the Town Clerk until such time as the reason for the executive session is no longer valid. Boards should regularly review executive session minutes to determine if the stated reason for the executive session is no longer valid, but in any case, executive session minutes are to be reviewed annually in June of each year at a minimum. Executive Session minutes are to be reviewed and released for the public under the provisions of the Open Meeting Law of the Commonwealth, MGL Chapter 30A, Sections 18 to 25 as amended

from time to time.

Section 6. Board Rules, Procedures And Regulations

All rules, procedures and regulations, as well as required forms for the same, adopted or modified by a board shall be filed with the Town Clerk.

Section 7. Annual Town Report

Every board shall annually file a report of its activities with the Town Clerk, in a form suitable for printing in the Annual Town Report, on or before January 31 of each year.

Section 8. Disposition Of Minutes Prior To Effective Date Of This Bylaw

Every board shall file a copy of all minutes held in their custody that were created prior to the enactment date of this bylaw with the Town Clerk within six months of said enactment date.

Section 9. Penalties For Non-Compliance

Any clerk or secretary of any board that does not properly maintain and file minutes will be subject to the following:

1. Any board that is paid for their services will have pay suspended for all members until said board is back in compliance with this bylaw.
2. Any clerk or secretary that is part of an appointed board shall be removed and not allowed to serve again in any appointed position for five years.
3. Any clerk or secretary that is part of an elected board shall be fined \$50.00 for every seven calendar days of not being in compliance.

SUBMITTED BY: Town Clerk

Winter & Snow Emergency Parking Ban

Winter Parking Ban:

A winter parking ban will be in effect from November 30 until April 1 of each year prohibiting the parking of motor vehicles on any public way between the hours of 11:00 p.m. and 7:00 a.m. for the purpose of ensuring public safety.

Snow Emergency:

A declaration by the Select Board or the Highway Superintendent or their designee that street conditions caused by winter weather require the imposition of a Parking Ban. A snow emergency shall include, but not be limited to, snowstorms, ice storms, drifting conditions, snow removal after a storm, or ice buildup. A snow emergency may be declared at any time when weather conditions warrant.

Parking Prohibition:

No motor vehicle shall be parked on any public way within the town during the Winter Parking Ban or during a declared Snow Emergency.

Motor Vehicle Removal & Responsibility of Charges:

The Chief of Police and/or the Highway Superintendent or their designee may remove or cause to be removed any motor vehicle parked in violation of the Winter or Snow Emergency Parking Bans. The owner or operator of a motor vehicle which is removed pursuant to this by-law shall be subject to an additional fine and shall be fully responsible for all charges and expenses incurred for removal and storage of such motor vehicle.

Penalty:

In addition to any other legal remedies that may be available, whoever violates any provision of this by-law, the violation of which is subject to specific penalty, may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended in accordance with the penalty and fine schedule established in the Town of Erving Bylaw.

SUBMITTED BY: Town Administrator and Highway Superintendent

Cable Advisory Committee

Authority, Establishment; Members; Appointment

In accordance with Massachusetts General Law Chapter 166A, there is hereby established a Cable Advisory Committee (“Committee”) comprised of three (3) members. The members of the Committee shall be appointed by the Select Board, which serves as the appointing authority of the Committee and the Issuing Authority for all cable franchise licensing agreements on behalf of the Town.

Terms of Office

Committee members shall serve three (3) year terms which shall be staggered. All subsequent appointments shall be for a three-year term commencing on July 1. In the case of a mid-term vacancy, the appointing authority shall select a new member for the remainder of the unexpired term and may re-appoint that person or select another for the term beginning July 1.

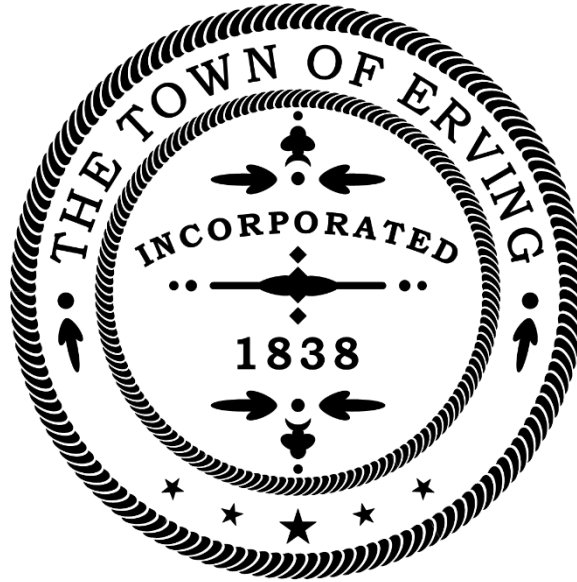
Duties

The Committee shall have the following duties to support the Select Board in the implementation of the license:

- Inform and educate the public about cable television service;
- Assess the cable needs of the community and recommend policy changes;
- Conduct regular meetings with cable company representatives to discuss matters of mutual interest;
- Report to the Select Board on company compliance with the license;
- Supervise the cable operator's response to complaints;
- Respond to residents' questions regarding the cable television system;
- Keep abreast of community programming issues;
- Management of the Public, Educational, and Governmental (PEG) Access fund;
- Develop policies and operating procedures for PEG access television, with approval from the Select Board;
- Advises on issues related to the operation of PEG access television, in concert with the

Town Administrator, and other subsequent staff and vendors contracted to provide related services, in support of the recording and broadcasting local government meetings, fostering the production of local events, and making production technology and training available to the public;

SUBMITTED BY: Town Administrator



Annual Town Meeting Warrant

Wednesday, May 10, 2023

Time: 7:00 PM | Location: Erving Elementary School

*Please bring this copy with you to the
Annual Town Meeting.*

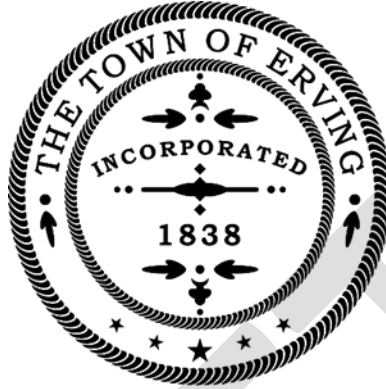
Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Erving, should contact the office of the Select Board as soon as possible but no later than 48 hours before the scheduled event.

The office of the Select Board is located at 12 East Main Street, Erving, MA 01344.

Email: administrator@erving-ma.gov | Phone: (413) 422-2800

Annual Town Meeting Warrant | Table of Contents

ANNUAL TOWN ELECTIONS.....	1
GENERAL ARTICLES	2
ARTICLE 1: ACCEPTANCE OF THE 2022 TOWN REPORT	2
ARTICLE 2: AUTHORIZATION TO APPLY FOR FEDERAL OR STATE GRANTS	2
ARTICLE 3: AUTHORIZATION TO DISPOSE OF SURPLUS PROPERTY	2
ARTICLE 4: AUTHORIZATION TO ENTER INTO COMPENSATING BALANCE AGREEMENTS.....	2
FISCAL YEAR 2024 OPERATING BUDGET.....	3
ARTICLE 5: FY2024 GENERAL OPERATING BUDGET	3
ARTICLE 6: FY2024 ELECTED OFFICIAL COMPENSATION	4
ARTICLE 7: FY 2024 ERVING ELEMENTARY SCHOOL FUNDING	5
ARTICLE 8: FY 2024 SECONDARY EDUCATION FUNDING	5
ARTICLE 9: FY 2024 FRANKLIN COUNTY TECHNICAL SCHOOL FUNDING	5
ARTICLE 10: FY 2024 WATER DEPARTMENT ENTERPRISE FUND	6
ARTICLE 11: FY 2024 WASTEWATER DEPARTMENT ENTERPRISE FUND	6
FISCAL YEAR 2024 CONTINUING ANNUAL APPROPRIATIONS & SPECIAL ARTICLES	7
ARTICLE 12: RAISE & APPROPRIATE FOR CONTINUING ANNUAL APPROPRIATIONS	7
FISCAL YEAR 2024 CAPITAL IMPROVEMENT BUDGET.....	7
ARTICLE 13: RAISE & APPROPRIATE FOR CAPITAL IMPROVEMENTS	7
ARTICLE 14: TO APPROPRIATE FOR WASTEWATER CAPITAL PROJECTS	8
DEPARTMENTAL REVOLVING FUND ANNUAL SPENDING LIMITS.....	8
ARTICLE 15: REVOLVING ACCOUNT SPENDING LIMITS.....	8
LOCAL ADOPTION OF MASSACHUSETTS GENERAL LAW PROVISIONS.....	9
ARTICLE 16: ADOPTION OF PARAGRAPH 4 OF MGL CHAPTER 40, SECTION 5B	9
STABILIZATION FUND ARTICLES	9
ARTICLE 17: ESTABLISHMENT OF THE OPIOID SETTLEMENT STABILIZATION FUND & DEDICATION OF REVENUE	9
ARTICLE 18: APPROPRIATION FOR THE CAPITAL STABILIZATION ACCOUNT	10
ARTICLE 19: APPROPRIATION FOR THE GENERAL STABILIZATION ACCOUNT	10
COMMUNITY ACCESS TELEVISION.....	10
ARTICLE 20: TO APPROPRIATE FOR COMMUNITY ACCESS TELEVISION	10
GENERAL BYLAWS	11
POSTING REQUIREMENT CERTIFICATION	12



Erving's FY 2024 Proposed Operating & Capital Budget

Is available for review at

www.erving-ma.gov/budgets

COMMONWEALTH OF MASSACHUSETTS

Franklin, ss.

Town of Erving Constables, Town Clerk, and Administrative Assistant: In the name of the Commonwealth, you are directed to notify and warn the said inhabitants qualified to vote in Town affairs to meet in the **Erving Elementary School** located at **28 Northfield Road, Erving, MA** on

Wednesday, May 10, 2023 at 7:00 PM,

then and there to vote on the following articles in the Warrant:

ANNUAL TOWN ELECTIONS

Monday, May 01, 2023

To either of the Constables of the Town of Erving:

Greetings: In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Erving, qualified to vote in town affairs to meet in the meeting room at the **Town Hall**, 12 East Main Street in Erving Center on **Monday, May 01, 2023 at 10:00 AM** then and there to bring their votes for the following town offices and ballot questions:

- One (1) Select Board Member for three (3) years
- One (1) Assessor for three (3) years
- One (1) Treasurer for three (3) years
- One (1) Library Trustee for three (3) years
- One (1) Moderator for one (1) year
- Two (2) School Committee members for three (3) years
- One (1) School Committee member for one (1) year
- One (1) Tree Warden for one (1) year
- One (1) Constable for three (3) years
- Two (2) Planning Board members for three (3) years
- One (1) Planning Board member for one (1) year
- Two (2) Recreation Commission members for three (3) years
- Two (2) Recreation Commission members for two (2) years
- One (1) Recreation Commission member for one (1) year
- One (1) Board of Health member for three (3) years

The polls will close at 8:00 PM.

GENERAL ARTICLES

ARTICLE 1: ACCEPTANCE OF THE 2022 TOWN REPORT

To see if the Town will vote to accept the reports of the Town Officers for calendar year 2022 or take any other action relative thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article will accept the calendar year 2022 Town Report as presented. Approval of this article requires a majority vote.

ARTICLE 2: AUTHORIZATION TO APPLY FOR FEDERAL OR STATE GRANTS

To see if the Town will vote to authorize the Select Board to apply for Federal or State grants and to expend any monies received and in anticipation of being received, as set forth by the appropriate grant application, and to follow the appropriate procedures, or take any other action relative thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article will allow the Select Board to apply for, receive, and take actions to comply with the requirements of grants throughout the year. Approval of this article requires a majority vote.

ARTICLE 3: AUTHORIZATION TO DISPOSE OF SURPLUS PROPERTY

To see if the Town will vote to authorize the Town to dispose of any Town property that is declared surplus by the Select Board or take any other action relative thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article will allow the Select Board to dispose of Town owned property that is determined to be surplus in accordance with the Town's surplus property policy. Approval of this article requires a majority vote.

ARTICLE 4: AUTHORIZATION TO ENTER INTO COMPENSATING BALANCE AGREEMENTS

To see if the Town will vote to authorize the Treasurer and Collector to enter into compensating balance agreements for Fiscal Year 2024 as permitted by Massachusetts General Law Chapter 44 Section 53F, or take any other action relative thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article will allow the Treasurer and Collector to enter into compensating balance agreements with Massachusetts banking institutions. Approval of this article requires a majority vote.

FISCAL YEAR 2024 OPERATING BUDGET

ARTICLE 5: FY2024 GENERAL OPERATING BUDGET

To see if the Town will vote to raise and appropriate the sum of _____ Dollars and No Cents (\$ _____) in the following itemized amounts, all for municipal purposes, or take any other action relative thereto:

Line	Divisions	Amount
1	General Government	\$
2	Public Safety	\$
3	Public Works	\$
4	Health & Human Services	\$
5	Culture & Recreation	\$
6	Benefits	\$
	Grand Total	\$

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: detailed budget information for each department, that comprises each line-item above, is available in the Fiscal Year 2024 Town of Erving Proposed Operating and Capital Improvement Budget. A copy of the document is available on the municipal website (www.erving-ma.gov), and can be picked up at Town Hall. Approval of this article will establish the FY2024 operating budget in the categories identified above. Approval of this article requires a majority vote.

ARTICLE 6: FY2024 ELECTED OFFICIAL COMPENSATION

To see if the Town will vote to fix the **sum of** (\$) for Elected Officials' salaries for fiscal year 2024, and vote that the following salary and compensation be paid from this sum to the following Elected Officials of the Town, as provided by Section 108, Chapter 41 of the General Laws, as amended by Chapter 540 of the Acts of 1947, or take any other action relative thereto:

	Detail	Wage Total	Wage per Member	Chair Stipend
Assessor (3)		\$ 11,718.00*	\$ 3,881.00ea	\$75.00
Board of Health (3)		\$ 3,075.00*	\$ 1,000.00ea	\$75.00
Library Trustees (3)		\$ 3,075.00*	\$ 1,000.00ea	\$75.00
Moderator (1)		\$ 350.00*		
Planning Board (5)		\$ 5,075.00*	\$ 1,000.00ea	\$75.00
Recreation Commission (5)		\$ 5,075.00*	\$ 1,000.00ea	\$75.00
School Committee (5)		\$ 7,090.00***	\$ 1,403.00ea	\$75.00
Select Board/Water Commissioners (3)	\$ 12,451.00*			\$250.00
	from Water Department	\$ 879.00**		
	Total Salary	\$ 13,330.00	\$ 4,360.00ea	
Tax Collector (1)	\$			
	Certification Award	\$ 1,000.00*		
	From Water Department	\$ 1,985.94**		
	Total Salary			
Town Clerk (1)	\$			
	From Census Work	\$ 1,000.00*		
	Total Salary			
Treasurer (1)	\$			
	Certification Award	\$ 1,000.00*		
	From Water Department	\$ 1,838.04**		
	Total Salary	\$		
Tree Warden (1)		\$ 2,536.50		
Total Elected Official Salary		\$		

SUBMITTED BY: Select Board
 FINANCE COMMITTEE RECOMMENDS:

*Article Information: This article outlines the compensation amounts for elected officials. Approval of this article requires a majority vote.
 *funding for this compensation is raised & appropriated in the omnibus budget in article 5.
 **funding for this compensation is raised & appropriated in the Water Enterprise Fund article.
 *** funding for this compensation is raised & appropriated in Article 7.*

ARTICLE 7: FY 2024 ERVING ELEMENTARY SCHOOL FUNDING

To see if the Town will vote to raise and appropriate the sum of (\$) for the expense and operation of the Erving Elementary School for fiscal year 2024, or take any other action relative thereto.

Line	Account #	Description	Amount
1	01-300-100-51000	School Committee Salary	\$7,090.00
2	01-301-200-57800	Erving Elementary School Expense	\$
Grand Total			\$

SUBMITTED BY: School Committee
FINANCE COMMITTEE RECOMMENDS:

Article Information: This article provides funding for the Erving Elementary School. Approval of this article requires a majority vote.

ARTICLE 8: FY 2024 SECONDARY EDUCATION FUNDING

To see if the Town will vote to raise and appropriate the sum of One Million, Four Hundred Seventy-seven Thousand Four Hundred and Six Dollars and No Cents (\$1,477,406.00) for secondary education and expenses for fiscal year 2024 or take any other action relative thereto.

SUBMITTED BY: School Committee
FINANCE COMMITTEE RECOMMENDS:

Article Information: This article provides funding for Erving's secondary education costs of sending students in grades 7 through 12 to other districts, excluding the Technical School. The development of this budget is a best estimation of the number of Erving students who may attend the Gill-Montague District for the coming school year. Actual decisions about a student's education aren't known until the start of the school year and as a result this budget may require a supplemental funding request in the future. Approval of this article requires a majority vote.

ARTICLE 9: FY 2024 FRANKLIN COUNTY TECHNICAL SCHOOL FUNDING

To see if the Town will vote to raise and appropriate the sum of Five Hundred Thirty Thousand, Eight Hundred Seventy-five Dollars and No Cents (\$530,875.00) for secondary education and expenses at the Franklin County Technical School for fiscal year 2024 as itemized below or take any other action relative thereto.

Line	Account #	Description	Amount
1	01-320-100-51000	Tech School Committee Salary	\$1,403.00
2	01-321-200-57800	F.C. Tech School Assessment	\$513,033.00
3	01-322-200-57800	F.C. Tech School Capital Assessment	\$13,581.00
Grand Total			\$528,017.00

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: This article provides funding for Erving’s assessment to the Technical School and establishes the salary for Erving’s representative to the Technical School Committee. Approval of this article requires a majority vote.

ARTICLE 10: FY 2024 WATER DEPARTMENT ENTERPRISE FUND

To see if the Town will vote to appropriate the sum of One Hundred Five Thousand, Two Hundred Forty Dollars and No Cents (\$105,240.00) to the Water Enterprise Fund for fiscal year 2024 Water operations. Said money to be raised from receipts, revenues, and funds from any source derived from the activities of the Erving Water Department or take any other action relative thereto.

SUBMITTED BY: Water Commissioners
FINANCE COMMITTEE RECOMMENDS:

Article Information: This article approves the operating budget for the water department and will allow the department to raise the necessary funds through water receipts and other activities. As an enterprise fund, unspent revenue at the close of the fiscal year will remain with the fund. Approval of this article requires a majority vote.

ARTICLE 11: FY 2024 WASTEWATER DEPARTMENT ENTERPRISE FUND

To see if the Town will vote to raise and appropriate the sum of _____ Dollars and No Cents (\$ _____) to the Wastewater Enterprise Fund for fiscal year 2023 Wastewater operations or take any other action relative thereto.

The \$ _____ is to be raised as follows:

Town of Montague and other receipts	\$
Town of Erving (raise & appropriate)	\$
Total Wastewater Fund	\$

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: This article approves the operating budget for the wastewater department and will allow the Town to raise the necessary funds through means stated. As an enterprise fund, unspent revenue at the close of the fiscal year will remain with the fund. Approval of this article requires a majority vote.

FISCAL YEAR 2024 CONTINUING ANNUAL APPROPRIATIONS & SPECIAL ARTICLES

ARTICLE 12: RAISE & APPROPRIATE FOR CONTINUING ANNUAL APPROPRIATIONS

To see if the Town will vote to raise and appropriate the sum of Two Hundred Fifty-two Thousand, Five Hundred Dollars and No Cents (\$252,500.00) for the continuing annual appropriations and special articles itemized below for the purposes stated, or take any other action relative thereto.

Line	Dept.	Account #	Description	Amount
1	Assessors	01-141-902-57800	Assessments Defense	\$25,000
2	Assessors	01-142-901-53000	Assessors Revaluation	\$35,000
3	Town Buildings	01-192-903-57800	Town Building Maintenance	\$30,000
4	Miscellaneous	01-199-901-57800	Purchase Space in Around Town	\$7,500
5	Highway	01-422-924-57800	DPW Wheel Loader Lease	\$55,000
6	Benefits	01-996-901-59661	Transfer to Other Post Employment Benefit Trust Fund	\$100,000
Grand Total				\$252,500

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: The FY2024 continuing appropriation & special article plan outlined above is a continuation of the sound financial planning that the Town has engaged in over the past few years. The amounts requested are consistent with previous appropriations and allows the Town to meet the service obligations for the stated purposes. Approval of this article requires a majority vote.

FISCAL YEAR 2024 CAPITAL IMPROVEMENT BUDGET

ARTICLE 13: RAISE & APPROPRIATE FOR CAPITAL IMPROVEMENTS

To see if the Town will vote to appropriate the sum of Eight Hundred Ninety-one Thousand Dollars and No Cents (\$891,000.00) for the capital improvement projects itemized below and related expenses, by raising Four Hundred Thousand Dollars and No Cents (\$400,000.00) and by transferring Four Hundred Ninety-one Thousand Dollars and No Cents (\$491,000.00) from Free Cash, subject to Select Board approval, or take any other action relative thereto.

Line	Account #	Description	Amount
1	New Account	Fire- Ventilation System	\$150,000
2	01-422-9	Bridge Street & Maple Reconstruction	\$500,000
3	New account	Plow Truck & Sander	\$125,000
4	New account	Door Access & Security	\$100,000
5	New account	Subdivision Regulation Revise/Update	\$16,000
Grand Total			\$891,000

SUBMITTED BY: Select Board
 CAPITAL PLANNING COMMITTEE RECOMMENDS:
 FINANCE COMMITTEE RECOMMENDS:

Article Information: The FY2024 capital improvement plan presented above is the result of the work of the Capital Planning Committee after reviewing requests made by departments. Some requests are “recurring requests” that appear annually to maintain a consistent investment while other capital requests are one-time requests. Details about all proposed capital improvement projects, funding sources, and explanations are available for review in the FY2024 proposed Operating & Capital Improvement Budget book. Approval of this article requires a majority vote.

ARTICLE 14: TO APPROPRIATE FOR WASTEWATER CAPITAL PROJECTS

To see if the Town will vote to appropriate from the Wastewater Enterprise Fund Retained Earnings the sum of Seventy-five Thousand Dollars and No Cents (\$75,000.00) for the capital improvement projects itemized below, and related expenses, subject to Select Board approval, or take any other action relative thereto.

Line	Account #	Description	Amount
1	New account	POTW3 Paving	\$55,000
2	New account	Asbestos Pipe Disposal	\$20,000
Grand Total			\$75,000

SUBMITTED BY: Select Board
 CAPITAL PLANNING COMMITTEE RECOMMENDS:
 FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article would appropriate \$75,000 for the Wastewater Department to fund the repaving of the Farley Wastewater Treatment Plant (POTW3) and for the proper removal and disposal of asbestos containing sewer pipe. Approval of this article requires a majority vote.

DEPARTMENTAL REVOLVING FUND ANNUAL SPENDING LIMITS

ARTICLE 15: REVOLVING ACCOUNT SPENDING LIMITS

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2024 beginning on July 1, 2023, for the revolving funds established in Town bylaws for certain departments, boards, committees, agencies, or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E1/2, as follows:

Revolving Fund	Department/Board/Committee/ Agency or Officer	FY2024 Spending Limit
Food Service	Council on Aging	\$10,000
Facility Use	Council on Aging	\$10,000
Library Use and Fees	Board of Library Trustees	\$3,000

Electric Vehicle
Charging Stations

Select Board

\$15,000

or take any other action relative thereto.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article would establish the FY2024 spending limits in the above referenced revolving funds in accordance with Town bylaw and with MGL Chapter 44, Section 53E ½. Approval of this article requires majority vote.

LOCAL ADOPTION OF MASSACHUSETTS GENERAL LAW PROVISIONS

ARTICLE 16: ADOPTION OF PARAGRAPH 4 OF MGL CHAPTER 40, SECTION 5B

To see if the Town will vote to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, 2023, or take any other action relative thereto.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article would allow Town meeting to dedicate the deposit of specific receipts into a Stabilization Fund without needing to appropriate the receipts into the fund at future meetings. This approval only addresses the receipts of funds and does not address the expenditure of funds. That will require Town Meeting approval. Approval of this article requires a majority vote.

STABILIZATION FUND ARTICLES

ARTICLE 17: ESTABLISHMENT OF THE OPIOID SETTLEMENT STABILIZATION FUND & DEDICATION OF REVENUE

To see if the Town will vote, pursuant to the provisions of G.L. c.40, §5B, to create a new special purpose Stabilization Fund, to be known as the Opioid Settlement Stabilization Fund, which may be expended for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Abuse Bureau of the Commonwealth's Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled "Abatement Strategies", and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds; and further, to adopt the last paragraph of said §5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds received by the Town; and further, to transfer from available funds a sum of money equal to that received or to be received by the Town from opioid litigation settlements resulting from the

Town's participation in the national Opioid Multi-District Litigation into said Opioid Settlement Stabilization Fund; or take any other action related thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article would create a new special purpose Stabilization Fund to hold the receipts of the national opioid settlement payments that the Town receives as a party to the settlements. This approval does not address the expenditure of funds. That will require Town Meeting approval. Approval of this article requires a majority vote.

ARTICLE 18: APPROPRIATION FOR THE CAPITAL STABILIZATION ACCOUNT

To see if the Town will vote to appropriate the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) from [REDACTED] into the Capital Stabilization Account, or take any other action relative thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article would [REDACTED] into the capital stabilization account for use on future capital projects that will require Town Meeting approval. Approval of this article requires a majority vote.

ARTICLE 19: APPROPRIATION FOR THE GENERAL STABILIZATION ACCOUNT

To see if the Town will vote to appropriate the sum of Two Hundred Seventy-three Thousand Dollars and No Cents (\$273,000.00) into the General Stabilization Account by [REDACTED], or take any other action relative thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article would [REDACTED] amount into the general stabilization account. This article is meant to replenish funds used from the general stabilization account for the construction of the Erving Public Library. This is the fourth of five (5) planned deposits into general stabilization related to the project. Approval of this article requires a majority vote.

COMMUNITY ACCESS TELEVISION

ARTICLE 20: TO APPROPRIATE FOR COMMUNITY ACCESS TELEVISION

To see if the Town will vote to appropriate the Twenty Thousand, Two Hundred Dollars and No Cents (\$20,200.00) from the PEG Access Cable Revenue account for the purpose of operating the Town's local cable access channel as itemized below, beginning July 1, 2023, or take any other action relative thereto.

Line	Account #	Description	Amount
1	24-155-200-57800	Local Access Channel Operations	\$16,000.00
2	<i>TBD</i>	Local Access Insurance	\$1,200.00
3	<i>TBD</i>	Equipment	\$3,000.00
Grand Total			\$20,200.00

SUBMITTED BY: Select Board
 FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article would appropriate \$20,200 from the PEG Access Cable Revenue account for the Select Board to use to operate the Town's community access television channel. Revenue in this account is received quarterly from Comcast from user fees in accordance with the Cable franchise agreement. Approval of this article requires a majority vote.

GENERAL BYLAWS

In addition, you are hereby directed to serve the above warrant and to post attested copies as directed by vote of the Town at least seven (7) days before said meeting. Fail not and make due return of this warrant with your doings thereon to the Town Clerk for the day of said meeting.

Given under our hands this day of April 2023.

Jacob A. Smith, Chairman

William A. Bembury

Scott Bastarache

Erving Select Board

POSTING REQUIREMENT CERTIFICATION

FRANKLIN SS

TOWN OF ERVING

I have served the above warrant by posting up attested copies, as directed by vote of the Town, at least seven (7) days before time of holding said meeting.

Date

Authorized Signature

Town of Erving
12 East Main Street
Erving, Massachusetts 01344

PRSR STD
U.S. Postage Paid
ECRWSS
EDDM Flat

Town of Erving

*****ECRWSS***

LOCAL
POSTAL CUSTOMER
ERVING MA 01344

Annual Town Meeting Warrant

Wednesday, May 10, 2023

Time: 7:00 PM | Location: Erving Elementary School

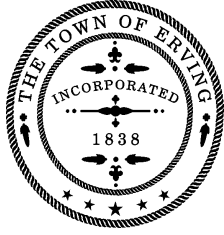
*Please bring this copy with you to the
Annual Town Meeting.*

In past years, prior to the COVID-19 pandemic, we were able to partner with other groups at the school to allow for childcare assistance. At this time, we are unable to provide a childcare option at the Annual Town Meeting.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Erving, should contact the office of the Board of Selectmen as soon as possible but no later than 48 hours before the scheduled event.

The office of the Board of Selectmen is located at 12 East Main Street, Erving, MA 01344.

Email: administrator@erving-ma.gov | Phone: (413) 422-2800



TOWN OF ERVING

SELECT BOARD

12 East Main Street
ERVING, MASSACHUSETTS 01344

Tel. 413-422-2800
Fax 413-422-2808
Email: administrator@erving-ma.gov

Jacob A. Smith, Chair
Scott Bastarache
William A. Bembury
Select Board

Bryan Smith
Town Administrator

March 24, 2023

To: Select Board
From: Bryan Smith, Town Administrator
CC: Peter Sanders, Wastewater & Water Superintendent

RE: Water Lead Service Line Project

At the March 6, 2023 Special Town Meeting, in article 7, the voters authorized a \$125,000 borrowing authority for the Select Board and the Treasurer to seek a forgivable loan for the lead service line inventory and replacement project. After Town Meeting occurred, the Town was notified that MassDEP is in the process of converting the program from a forgivable loan to a grant. The attached paperwork includes the program application and the authorization to file. You will notice that the language refers to grants and loans somewhat interchangeably which adds to the confusion.

I am requesting authorization from the Select Board to submit the program application and to file all necessary documentation with MassDEP so that the Town's project can be reviewed.

Recommended Vote Language:

A motion to approve the following "Authority to File:"

Whereas the Town of Erving, after thorough investigation, has determined that the work activity consisting of the Water Service Inventory and Lead Service Line Replacement Plan, is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and

Whereas, the Massachusetts Department of Environmental Protection (MassDEP) and the Massachusetts Clean Water Trust (the Trust) of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth ("Chapter 21" and "Chapter 29C") are authorized to make loans to municipalities for the purpose of funding planning and construction activities relative to Drinking Water Protection Projects; and

Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

NOW, THEREFORE, BE IT RESOLVED by Town of Erving as follows:

1. That the Town Administrator, Bryan Smith, is hereby authorized on behalf of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application;
2. That the purpose of said loan(s), if awarded, shall be to planning activities.
3. That if said award is made the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost

Part I

Applicant Information and Certification

(Attach additional pages as necessary)

1. LOCAL GOVERNMENTAL UNIT (LGU)			
LGU/PWS Name:		Dept. of Revenue ID No.:	FEIN
Authorized Representative:		Title:	
Street/P.O. Box:			
City:	State:		Zip:
Telephone:	Fax:	E-Mail:	

2. LGU CONTACT PERSON (if different from item 1)			
Name:		Title:	
Mailing Address (if different from item 1)			
Street/P.O. Box:			
City:	State:		Zip:
Telephone:	Fax:	E-Mail:	

3. ENGINEER OR CONSULTANT FIRM			
Firm/Agency:		FEIN	
Contact Person:			
Mailing Address			
Street/P.O. Box:			
City:	State:		Zip
Telephone:	Fax:	E-Mail:	

4. DWSRF PROJECT IDENTIFICATION NUMBER			
ID No. To be assigned by SRF:			
Project Description:			

5. AMOUNT OF ASSISTANCE REQUESTED \$			

6. CERTIFICATION

In submitting this Application to MassDEP, the Applicant certifies that it shall comply with the following Project related conditions and understands that the Applicant's non-compliance with one or more of these conditions may preclude MassDEP's issuance of a Project Approval Certificate or entry into a Project Regulatory Agreement.

(1) The Borrower shall comply with the (a) the Civil Rights Act of 1964, 42 USC s.2000(1) et seq., as amended, Section 13 of the Federal Water Pollution Control Act (FWPCA) of 1972; Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, (b) the Equal Employment Opportunity requirements (Executive Order 11246), and all Executive Orders and regulations promulgated thereunder, and (c) the Affirmative Action and Minority/Women Business Enterprise ("M/WBE") requirements in the Regulations and the federal Disadvantaged Business (DBE) rule. The Borrower shall ensure that any prime contracts or subcontracts for services, construction, goods, or equipment for the Project contain the DM/DWBE utilization goals of 4.2% D/MBE and 4.5% D/WBE.

(2) Prior to receiving final payment for the Project, the Applicant shall certify to MassDEP that the Project has been completed and performed in accordance with the Project Regulatory Agreement.

(3) The Applicant shall establish accounts for the Project which shall be maintained in accordance with generally accepted government accounting standards.

(4) The Applicant understands that if MassDEP issues a Project Approval Certificate for this project, such action does not constitute MassDEP's sanction or approval of any changes or deviation from any applicable state regulatory or permit standards, criteria, or conditions, or from the terms or schedules of state enforcement actions or orders applicable to the Project.

(5) The Applicant shall maintain all Project records for seven years after the issuance of final payment or until any litigation, appeal, claim, or audit that is begun before the end of the seven-year period is completed and resolved, whichever is longer.

(6) The Applicant agrees to provide any Project information and documentation requested by MassDEP.

(7) Any proposed change in Project-related contracts which substantially modifies the Project initially proposed shall be submitted to MassDEP for prior approval.

(8) The Applicant's implementation of the Project, including the procurement of related contracts, shall comply with all applicable requirements of state and local laws, ordinances, by-laws, rules, and regulations.

To the best of my knowledge and belief, data provided in this application is true and correct; the documentation has been duly authorized by the governing body of the applicant. Furthermore, the applicant certifies that it possesses the legal authority to apply for the loan, and to finance and construct the proposed facilities. A resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application. The same resolution, motion, or similar action is directing and authorizing the person identified below as the authorized representative of the applicant to act in connection with the application and to provide such additional information as may be required.

Name of Representative
(Type)

Title

Signature of Representative

Date

CERTIFYING AUTHORITY TO FILE

I hereby certify that the Select Board of the Town of Erving (hereinafter referred to as the Applicant), at a meeting noticed and conducted in accordance with all applicable legal requirements, duly voted to authorize the Town Administrator to act on behalf of the Applicant, as its agent, in filing applications for, executing agreements regarding, and performing any and all other actions necessary to secure for the Applicant such loan(s) for construction or planning of Drinking Water Protection Projects as may be made available to the Applicant pursuant to the provisions of the Massachusetts Clean Waters Act (M.G.L. c.21, section 27-33E, inclusive, as amended) and the Water Pollution Abatement Revolving Loan Program (M.G.L. c.29C) for the following project:

Water Service Inventory and Lead Service Line Replacement Plan

I hereby certify that Bryan Smith is the present incumbent of the position referenced above, and do hereby certify:

1. That the attached resolution is a true and correct copy of the resolution as finally adopted at a meeting of the governing body held on the ____ day of _____, 2023, and duly recorded in my office:
2. That said meeting was duly convened and held in all respects in accordance with law and to the extent required by law, due and proper notice to such meeting was given; and a legal quorum was present throughout the meeting, and a legally sufficient number of members of the governing body voted in the proper manner and for the adoption of said resolution; that all other requirements and proceedings under the law incident to the proper adoption or passage of said resolution, including publication, it required, have been duly fulfilled, carried out, and otherwise observed; and that I am authorized to execute this certificate:
3. That if an impression of a seal has been affixed below, it constitutes the official seal of the Applicant and this certificate is hereby executed under such official seal; but if no seal has been affixed, the Applicant does not have an official seal:

IN WITNESS WHEREOF, I have hereunto set my hand this

____ day of _____, 2023.

(Authorized Signature)

PART I - GENERAL

1. APPLICANT Erving Water Department, MA	2. PROJECT - ERVING WATER SERVICE INVENTORY AND LEAD SERVICE LINE REPLACEMENT PLAN
3. NAME OF CONTRACTOR OR SUBCONTRACTOR Tighe & Bond, Inc.	4. FEIN 04-2821431
	5. DATE OF PROPOSAL November 30, 2022
6. ADDRESS OF CONTRACTOR OR SUBCONTRACTOR 53 Southampton Road Westfield, Massachusetts 01085	7. TYPE OF SERVICE TO BE FURNISHED Engineering Services

PART II - COST SUMMARY

8 DIRECT LABOR (specify labor categories)	ESTIMATED HOURS	HOURLY RATE	ESTIMATED COST	
Vice President	33	\$83.07	\$2,741	
Senior Project Manager	108	\$68.50	\$7,398	
Staff Engineer 2	218	\$38.11	\$8,309	
GIS Director	17	\$77.29	\$1,314	
GIS Analyst 2	68	\$41.29	\$2,808	
GIS Analyst 1	38	\$37.33	\$1,418	
Construction Observer 2	50	\$42.00	\$2,100	
Administrative Support	26	\$32.00	\$832	
	558			\$26,921
9. INDIRECT COSTS (Specify indirect cost pools)	RATE	X BASE =	ESTIMATED COST	
Overhead	1.840	\$26,921	\$49,542	
INDIRECT COSTS TOTAL:				\$49,542
(1) TRANSPORTATION			\$707	
(2) PER DIEM				
TRAVEL SUBTOTAL:			\$707	
b. EQUIPMENT, MATERIALS, SUPPLIES (Specify Categories)	QTY	COST	ESTIMATED COST	
EQUIPMENT SUBTOTAL:			\$0	
c. SUBCONTRACTS			ESTIMATED COST	
Record Scanning/Reading			\$1,000	
Basement Inspections			\$17,000	
Vacuum Excavation			\$14,450	
Printing and Mailing Services			\$1,288	
SUBCONTRACTS SUBTOTAL:			\$33,738	
d. OTHER (Specify Categories)			ESTIMATED COST	
Overnight Miscellaneous/Field Photo/Bid Advertisement			\$297	
Reproductions			\$196	
OTHER TOTAL:			\$493	
OTHER DIRECT COSTS TOTAL:				\$34,938
11. TOTAL ESTIMATED COST				\$111,402
12. PROFIT				\$10,098
13. TOTAL PRICE				\$121,500

PART III - CERTIFICATIONS

14. CONTRACTOR

14a. HAS A FEDERAL AGENCY OR A FEDERALLY CERTIFIED STATE OR LOCAL AGENCY PERFORMED ANY REVIEW OF YOUR ACCOUNTS OR RECORDS IN CONNECTION WITH ANY OTHER FEDERAL GRANT OR CONTRACT WITHIN THE PAST TWELVE MONTHS?

YES NO (If "YES" give name, address, and telephone number of reviewing office).

14b. THIS SUMMARY CONFORMS WITH THE FOLLOWING COST PRINCIPLES

14c. This proposal is submitted for use in connection with and in response to (1) Erving Water Service Inventory and Lead Service Line Replacement Plan. This is to certify to the best of my knowledge and belief that the cost and pricing data summarized herein are complete, current, and accurate as of (2) 8-Mar-23 and that a financial management capability exists to fully and accurately account for the financial transaction under this project. I further certify that I understand that the subagreement price may be subject to downward negotiation and/or recoupment where the above costs and pricing data have been determined, as a result of audit, not to have been complete, current and accurate as of the date above.

(3) March 13, 2023
DATE OF EXECUTION



SIGNATURE OF PROPOSER

Vice President

TITLE OF PROPOSER

15. APPLICANT

I certify that I have reviewed the cost/price summary set forth herein and the proposed costs/price appear acceptable for subagreement award.

DATE OF EXECUTION

SIGNATURE OF APPLICANT

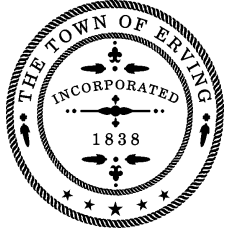
TITLE OF APPLICANT

16. DEP REVIEWER (If applicable)

DATE OF EXECUTION

SIGNATURE OF REVIEWER

TITLE OF REVIEWER



TOWN OF ERVING

SELECT BOARD

12 East Main Street
ERVING, MASSACHUSETTS 01344

Tel. 413-422-2800

Fax 413-422-2808

Email: administrator@erving-ma.gov

Jacob A. Smith, Chair
Scott Bastarache
William A. Bembury
Select Board

Bryan Smith
Town Administrator

March 24, 2023

To: Select Board
From: Bryan Smith, Town Administrator
CC: Peter Sanders, Wastewater & Water Superintendent

RE: Water Tank Mixer Project- Engineering & Permitting Phase

At the March 6, 2023 Special Town Meeting, the voters appropriated \$26,000 from Water Enterprise Fund retained earnings to allow the Town to conduct the engineering phase of the water tank mixing project. This phase will lead to a recommendation on a solution for the water tank and provide an opinion of probable cost for the equipment and construction related activities.

Tighe & Bond has provided a professional services agreement proposal for your consideration. The proposal covers 3 tasks from design and consultation with the Town, through permitting, bidding and finally construction.

Recommended Vote Language:

A motion to engage Tighe & Bond for professional engineering services for the water storage tank mixer project, in the amount of \$26,0000, and to authorize Bryan Smith, Town Administrator, to execute all necessary agreements.

E5004-0-P035
October 6, 2022

Pete Sanders
Water & Wastewater Superintendent
Town of Erving
16 Public Works Boulevard
Erving, MA 01344

RE: Professional Engineering Services - Water Storage Tank Mixer Project

Dear Mr. Sanders:

We are pleased to provide you with a proposal to provide assistance to the Town of Erving (Town) associated with providing a new mixer at the Town's 600,000 gallon water storage tank off Route 2.

Project Background

We understand that the Town has a 600,000 gallon welded steel reservoir style water storage tank (Tank) with a dome roof located off Route 2. The Tank was originally constructed in 1983 and was repainted in 2009. It is our understanding that the Town recently had two (2) positive coliform bacteria samples at the Tank. As a result, the Massachusetts Department of Environmental Protection (MassDEP) has recommended installing a mixer within the Tank to help prevent coliform bacteria formation. We understand the Town is interested in installing a tank mixing system at the Tank in accordance with MassDEP's recommendations.

In order to install a tank mixing system, the Town will contract with a mixing system supplier/installer. There are three feasible tank mixing alternatives available to the Town: a solar powered mechanical mixer, a grid powered mechanical mixer, and a passive mixing system. It is our understanding the Town is interested in evaluating solar powered and grid powered mechanical mixers and will not be exploring the more costly passive mixing system due to required piping modifications inside the Tank. We will assist the Town with assembling a Massachusetts General Law Chapter 30B Procurement of Supplies and Services (MGL Chapter 30B) contract for the tank mixing system. The requirements of MGL Chapter 30B are included for reference below.



July 2018 revision

M.G.L. c. 30B – PROCUREMENT OF SUPPLIES AND SERVICES

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	Over \$50,000
Procurement Procedure	Sound business practices.	Use a written purchase description to solicit written quotations from no fewer than 3 persons who customarily provide the supply or service.	Scaled bids or proposals (M.G.L. c. 30B, §§ 5 or 6).
Notice/Advertising Requirements	None.	None.	Post a notice 1) in your jurisdiction's office, and, at least two weeks before bids or proposals are due, publish 2) in a newspaper, and 3) on COMMBUYS. If the procurement will exceed \$100,000, at least two weeks before bids or proposals are due, publish in the <i>Goods and Services Bulletin</i> .
Award contract to:	Responsible person offering the best price.	Responsible person offering the needed quality of supply or service at the lowest price quotation.	Under § 5, the 'responsible' and 'responsive' bidder offering the best price. Under § 6, the most advantageous proposal from a responsible and responsive proposer taking into consideration price and non-price proposals.
Written Contract Required*	No. Keep written records as a best practice.	Yes.	Yes.
Maximum Contract Term*	Three years, unless majority vote authorizes longer.		
OSD Option	Yes.		

¹ M.G.L. c. 30B, § 2, defines sound business practices as "ensuring the receipt of favorable prices by periodically soliciting price lists or quotes."

² M.G.L. c. 30B, § 4, as amended by Chapter 218 of the Acts of 2016.

³ M.G.L. c. 30B, § 2, defines a responsible bidder or offeror as "a person who has the capability to perform fully the contract requirements, and the integrity and reliability which assures good faith performance."

⁴ M.G.L. c. 30B, § 2, defines a responsive bidder or offeror as "a person who has submitted a bid or proposal which conforms in all respects to the invitation for bids or request for proposals."

⁵ M.G.L. c. 30B, § 17(a), states "All contracts in the amount of \$10,000 or more shall be in writing, and the governmental body shall make no payment for a supply or service rendered prior to the execution of such contract."

⁶ M.G.L. c. 30B, § 12(b), states "Unless authorized by majority vote, a procurement officer shall not award a contract for a term exceeding three years, including any renewal, extension, or option."

Scope of Services

We have developed the following proposed Scope of Services based on our understanding of the project and discussions with the Town.

Task 1 – Water Storage Tank Mixer

- Conduct Kick-Off Meeting – Tighe & Bond will meet with representative(s) from the Town to confirm the project scope
- Review Existing Information – Review available record drawings (when available) and visit the Tank site
- Assist the Town with a MGL Chapter 30B contract to furnish and install a new tank mixing system at the Tank site
 - We will prepare a scope of work including a bid form, description of work, performance specification for furnishing and installing the new tank mixing system, and one (1) GIS figure

Task 2 – MassDEP Permitting

- Submit the BRP WS 33 - Distribution Modifications for Systems that Serve Less than 3,300 People Permit Application to MassDEP, along with the MGL Chapter 30B contract, for approval.

Task 3 – Bidding & Construction Phase Services

- Solicit quotes from three (3) contractors and present quotes for Town review and approval



- Review one vendor submittal for the mixing system.
- Respond to Requests for Information (RFIs).
- Coordinate with selected vendor/contractor and the Town to complete the tank mixing system installation
- Conduct up to two (2) days of field visits for tank mixing system installation
- Review and provide closeout documentation including the new tank mixing system O&M manual

Exclusions

- Permitting other than the MassDEP BRP WS 33 permit
- We assume Task 1 will fall within MGL Chapter 30B \$10,000 to \$50,000 and a public bid package including full Divisions 0 and 1 will not be required
- Field visits other than those listed above
- Police details

Project Schedule

We are prepared to begin these tasks immediately if provided authorization from the Town. We anticipate completing the tank mixing system MGL Chapter 30B contract ready for submission to MassDEP within 6 weeks of the notice to proceed.

Fee

Tighe & Bond will perform Tasks 1, 2 and 3 above for a lump sum fee of \$26,000, invoiced monthly based on percentage complete. In the event that the scope of work is increased for any reason, the lump sum fee to complete the work shall be mutually revised by written amendment.

For information purposes, the below summary provides the anticipated break-out of the project costs. The summary is presented to give the Town a better understanding of how the project budget was developed.

Task 1 – Water Storage Tank Mixer	\$10,400
Task 2 – MassDEP Permitting	\$ 4,800
<u>Task 3 – Bidding & Construction Phase Services</u>	<u>\$10,800</u>
Total	\$26,000



We appreciate the opportunity to continue to provide engineering services to the Town of Erving. If this proposal is acceptable to you, please sign where indicated at the end of this document. If you have any questions regarding the proposed scope of services, please feel free to contact Joe Popielarczyk or Peter Valinski.

Very truly yours,

TIGHE & BOND, INC.



Joseph M. Popielarczyk, PE
Project Manager



Peter M. Valinski, PE
Vice President

ACCEPTANCE

On behalf of the Town of Erving the scope, fee, and terms of this proposal are hereby accepted.

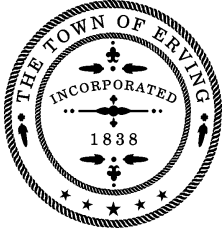
Authorized Representative

Date

Enclosures: Tighe & Bond Terms & Conditions dated 4-2020

J:\E\E5004 Erving\035 - Tank Mixing\Proposal\Final\Water Storage Tank Mixer Proposal Final.docx





TOWN OF ERVING

SELECT BOARD

12 East Main Street
ERVING, MASSACHUSETTS 01344

Tel. 413-422-2800

Fax 413-422-2808

Email: administrator@erving-ma.gov

Jacob A. Smith, Chair
Scott Bastarache
William A. Bembury
Select Board

Bryan Smith
Town Administrator

March 24, 2023

To: Select Board
Finance Committee
Capital Planning Committee
From: Bryan Smith, Town Administrator
CC: Glenn McCrory, Highway Superintendent
Mariah Kurtz, Town Planner
Jennifer Eichorn, Treasurer

RE: Church Street Bridge Project

Historical Information on the Project: The Church Street Bridge over Keyup Brook (E-10-0111) has needed repair and/or replacement for many years. The State indicated as much with records dating back to 2004 when they indicated they would plan to reconstruct the Bridge and assigned a project number. The intention was reaffirmed in 2008 when the State informed the Town that the project was being considered for the accelerated bridge replacement program with right-of-way work to be completed by November 2009.

In early 2021, with no progress on the project in over a decade, and further deterioration, the State notified the Town that it intended to reduce traffic on the bridge to a single lane. In March 2021 the Town appropriated funding to allow for engineering work to commence on the project. The Town developed conceptual plans and detour plans and met with community members in the summer of 2021. The bridge was reduced to single lane traffic in September 2021.

With a concept selected and an estimated cost, the Town sought and received a borrowing authority for up to \$1.6 Million dollars in article 15 of the May 11, 2022 Annual Town Meeting. Around the time of the approval at Town Meeting, the Town was informed of an opportunity to present the project for funding consideration by the Franklin County Transportation Planning Organization (FCTPO) and the State.

Status of Project:

Since the summer of 2022 the Town has been working with the Massachusetts Department of Transportation (MassDOT) and with the FCTPO to have the Church Street Bridge accepted as a project to be considered for funding on the Transportation Improvement Plan (TIP). The review process is lengthy and requires various submissions. The Town's engineer from Weston & Sampson has been working to respond to all of these requests.

In March 2023, the Town was notified that the Church Street Bridge was not recommending for funding in FY2023 (State & Federal fiscal year). For the Town, this means that State approval of our project will not occur in calendar year 2023 and therefore bidding and construction cannot begin this year, as had been intended, if the Town continues to seek State funding for the project.

Discussion Regarding Next Steps: The Town finds itself at another decision point. We can either continue to work with our regional and State partners to identify and seek funding, or transition to a path were the Town funds the project alone. I am outlining what I believe to be our paths forward:

1. **Continue to work with MassDOT and FCTPO:** MassDOT and the FCTPO would like Erving to continue to work with them to finalize the project approval and to program the project for funding through the TIP. The planning staff at the FCTPO feel confident that the Bridge project can be programmed for funding in Federal fiscal year 2024 if the Town is willing to make a commitment to remaining in the process. They would like to make that recommendation at the March 28, 2023 FCTPO meeting and to seek approval from the Committee. If the Town was to continue on this path, this means that bidding and construction would not begin until later in calendar year 2024. The proposal would be for full funding of the project cost through the TIP.
2. **Use Borrowing Authority and Proceed:** Because the borrowing authority has already been granted by the voters, the Town can choose to move in this direction. This choice would mean that the Town would stop working to complete the TIP funding process and focus the engineer's attention on completing the draft construction documents and to begin the permitting work that will get the Town ready for bidding. We would have to use a mix of short term and long-term borrowing that would beginning with Fiscal Year 2024. The Town's financial advisor has provided an example debt schedule for a term of 15 years to fund the project (attached). For Fiscal Year 2024 we would have to budget approximately \$34,000 for interest. The debt schedule is provided with two (2) options:
 - a. One option would provide for similar payments over the life of the loan. This results in more interest paid during the life of the loan.
 - b. The other option would provide for even principal payments over the life of the loan. This results in higher overall payments to begin with smaller payments in the final years, and overall, less interest paid over the life of the loan.

TOWN OF ERVING, MASSACHUSETTS

Debt Service Projection - Church St. Bridge Project

Level Debt Service Repayment

UniBank Fiscal Advisory Services, Inc.

3/19/2023

Financings

<u>Amount</u>	<u>Type</u>	<u>Issue Date</u>	<u>Due Date</u>	<u>Years</u>	<u>Rate</u>	<u>Interest</u>
\$ 1,600,000	BAN	8/1/2023	2/1/2024	0.5	4.25%	\$ 34,000.00
\$ 1,600,000	GO Bonds	2/1/2024	2/1/2038	14	4.00%	

Debt Service

<u>Fiscal Year</u>	<u>Short-term Interest</u>	<u>Long-term Principal</u>	<u>Interest</u>	<u>Total</u>
2024	\$ 34,000			\$ 34,000
2025		\$ 90,000	\$ 64,000	\$ 154,000
2026		\$ 90,000	\$ 60,400	\$ 150,400
2027		\$ 95,000	\$ 56,800	\$ 151,800
2028		\$ 100,000	\$ 53,000	\$ 153,000
2029		\$ 100,000	\$ 49,000	\$ 149,000
2030		\$ 105,000	\$ 45,000	\$ 150,000
2031		\$ 110,000	\$ 40,800	\$ 150,800
2032		\$ 115,000	\$ 36,400	\$ 151,400
2033		\$ 120,000	\$ 31,800	\$ 151,800
2034		\$ 125,000	\$ 27,000	\$ 152,000
2035		\$ 130,000	\$ 22,000	\$ 152,000
2036		\$ 135,000	\$ 16,800	\$ 151,800
2037		\$ 140,000	\$ 11,400	\$ 151,400
2038		\$ 145,000	\$ 5,800	\$ 150,800
	<u>\$ 34,000</u>	<u>\$ 1,600,000</u>	<u>\$ 520,200</u>	<u>\$ 2,154,200</u>

TOWN OF ERVING, MASSACHUSETTS

Debt Service Projection - Church St. Bridge Project

Level Principal Repayment

UniBank Fiscal Advisory Services, Inc.

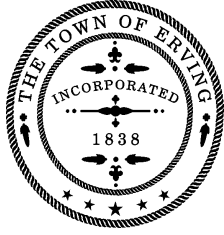
3/19/2023

Financings

<u>Amount</u>	<u>Type</u>	<u>Issue Date</u>	<u>Due Date</u>	<u>Years</u>	<u>Rate</u>	<u>Interest</u>
\$ 1,600,000	BAN	8/1/2023	2/1/2024	0.5	4.25%	\$ 34,000.00
\$ 1,600,000	GO Bonds	2/1/2024	2/1/2038	14	3.875%	

Debt Service

<u>Fiscal Year</u>	<u>Short-term Interest</u>	<u>Long-term Principal</u>	<u>Interest</u>	<u>Total</u>
2024	\$ 34,000			\$ 34,000
2025		\$ 115,000	\$ 62,000	\$ 177,000
2026		\$ 115,000	\$ 57,544	\$ 172,544
2027		\$ 115,000	\$ 53,088	\$ 168,088
2028		\$ 115,000	\$ 48,631	\$ 163,631
2029		\$ 115,000	\$ 44,175	\$ 159,175
2030		\$ 115,000	\$ 39,719	\$ 154,719
2031		\$ 115,000	\$ 35,263	\$ 150,263
2032		\$ 115,000	\$ 30,806	\$ 145,806
2033		\$ 115,000	\$ 26,350	\$ 141,350
2034		\$ 115,000	\$ 21,894	\$ 136,894
2035		\$ 115,000	\$ 17,438	\$ 132,438
2036		\$ 115,000	\$ 12,981	\$ 127,981
2037		\$ 110,000	\$ 8,525	\$ 118,525
2038		\$ 110,000	\$ 4,263	\$ 114,263
	<u>\$ 34,000</u>	<u>\$ 1,600,000</u>	<u>\$ 462,675</u>	<u>\$ 2,096,675</u>



TOWN OF ERVING

SELECT BOARD

12 East Main Street
ERVING, MASSACHUSETTS 01344

Tel. 413-422-2800

Fax 413-422-2808

Email: administrator@erving-ma.gov

Jacob A. Smith, Chair
Scott Bastarache
William A. Bembury
Select Board

Bryan Smith
Town Administrator

March 24, 2023

To: Select Board, Finance Committee, Capital Planning Committee
From: Bryan Smith, Town Administrator
CC: Mariah Kurtz, Town Planner

RE: Massachusetts Historical Commission Grant-Tentative Award for Erving Inventory Project

The Massachusetts Historical Commission has notified the Town that it had identified the proposed Erving Historical Structure Inventory project for funding as requested in our grant application. The award letter is attached for your review. Additionally, I wish to congratulate the Historical Commission members and Mariah for their work on the applications to arrive at this stage.

As you are aware, the project would be a total of \$40,000, with \$20,000 provided by the State and \$20,000 needing to be appropriated by the Annual Town Meeting. The Massachusetts Historical Commission has asked for a communication from the Town by April 14, 2023, to confirm that the Town intends to accept the grant and appropriate the matching funds at the Annual Town Meeting. A draft correspondence from the Town to the State, confirming our intentions is attached for your review.

If the Town intends to accept the grant, we need to authorize Mariah to send the confirmation letter and we need to include \$20,000 appropriation on the Annual Town Meeting warrant to fund the project. Because this is a one-time special project, sourcing the project from Free Cash or from Stabilization could be appropriate.



March 10, 2023

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

Mariah Kurtz
Town Planner
Town of Erving
12 East Main Street
Erving, MA 01344

RE: FY 2023 MHC Survey and Planning Grant Award

Dear Ms. Kurtz:

I am pleased to inform you that your proposed project has been selected for an allocation of \$25,000 from the Massachusetts Historical Commission's FY 2023 Survey and Planning Grant Program. This award will support the Erving Historic Properties Survey.

Please keep in mind that project work can begin only after the MHC executes a contract with you that specifies the scope of grant-assisted work and defines responsibilities and deadlines under applicable laws and regulations.

Please respond in writing to Michael Steinitz, MHC Deputy State Historic Preservation Officer, no later than Friday, April 14th with your intention to accept the grant allocation, pending town meeting approval of matching funds.

MHC will contact all Local Project Coordinators in April, and will schedule a Coordinators meeting by Zoom in May to review the provisions and requirements of the grant contract, to discuss your work program, and to discuss consultant procurement procedures. Attendance at this meeting is mandatory for all Local Project Coordinators as a condition of the grant. A Local Project Coordinators Manual will be forwarded to you separately.

The MHC looks forward to working with you toward the successful completion of your project. Please contact Michael Steinitz at MHC with any questions regarding the grant program or this award. We sincerely hope that this grant allocation will help you achieve your preservation goals.

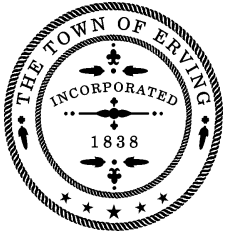
Sincerely,

A handwritten signature in blue ink that reads "Brona Simon".

Brona Simon
Executive Director
State Historic Preservation Officer
Massachusetts Historical Commission

Xc: Sara Campbell, Chair, Erving Historical Commission

220 Morrissey Boulevard, Boston, Massachusetts 02125
(617) 727-8470 • Fax: (617) 727-5128
www.sec.state.ma.us/mhc



TOWN OF ERVING

Department of Community Planning

12 East Main Street
ERVING, MASSACHUSETTS 01344

413-422-1105 | mariah.kurtz@erving-ma.gov

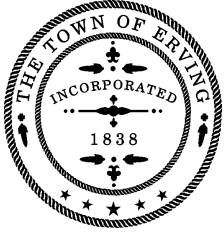
Mr. Michael Steinitz
Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, MA 02125

Dear Mr. Steinitz,

The Erving Historical Commission accepts the \$20,000 FY23 Survey and Planning Grant, contingent on approval of the matching funds at Annual Town Meeting to be held May 10, 2023. We are very appreciative for this award and are excited for the work it will allow us to complete.

Sincerely,

Mariah Kurtz, Town Planner
On behalf of the Erving Select Board and Historical Commission



TOWN OF ERVING

SELECT BOARD

12 East Main Street
ERVING, MASSACHUSETTS 01344

Tel. 413-422-2800

Fax 413-422-2808

Email: administrator@erving-ma.gov

Jacob A. Smith, Chair
Scott Bastarache
William A. Bembury
Select Board

Bryan Smith
Town Administrator

March 24, 2023

To: Select Board
From: Bryan Smith, Town Administrator
CC: Mariah Kurtz, Town Planner
Glenn McCrory, Highway Superintendent

RE: Lillians Way Streetlight Project Update

At the March 6, 2023, Special Town Meeting, voters approved \$50,000 in funding for streetlight repair and/or replacement work, with Lillians Way as the priority project. Lillians way is a cul-de-sac neighborhood that originally had two (2) streetlights. The lighting fixtures were decorative with underground wiring in conduits. One fixture was damaged beyond repair by a collision by a landscaping trailer and the other is failing. The electrical service for the neighborhood is all underground so cobra head style streetlights are not an option.

Representatives from the Town held a neighborhood site walk with residents on Wednesday March 22, 2023, to discuss the situation and options for a new installation.

Fixture Locations: After meeting with the residents, the proposal to the Select Board is the installation of three (3) decorative streetlights, with the addition of a fixture near the intersection of Lillians Way with Northfield Road to help illuminate the turn onto the road at the crosswalk. The fixtures would have an approximate distance of 210' to 215' between them. The yellow dots in the image below show approximate locations. The final proposed streetlight fixture is in the approximate location of the existing fixture. The neighborhood has asked that the Town not install fixtures beyond this location.

Fixture Style: Residents provided feedback on preferences for the fixture styles. They would prefer decorative style post lights with a black finish. To minimize light pollution towards homes, they would prefer fixtures that are designed to illuminate the sidewalk and road way. The Town should be able to accomplish this with a fixture that uses an arm to mount a downward facing lens. For the lighting temperature (kelvins) the Town would use a LED fixture type with a preset for a temperature similar to what was used on the cobra head LED replacement project.

Next Steps: If the Select Board is in agreement with the proposed counts, locations and fixture style I will obtain quotes for a few fixture options from vendors off the State contract. The Town intends to compare the options and costs of two (2) options:

1. A traditional streetlight installation with an upgraded electrical service and new

underground wiring for the additional fixture location as well as an inspection and the possible replacement of the old wiring.

2. The installation of solar powered fixtures. The fixtures would include the required solar panels and it should allow the Town to remove the underground wiring and to have the power company remove the service to the fixtures. If viable, this installation would keep all future maintenance above ground.

